IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF APPEAL

BETWEEN

IDBI BANK LIMITED

Claimant/Applicant

and

(1) MABANI DELMA GENERAL CONTRACTING CO LLC
(2) HELIOPOLIS ELECTRIC COMPANY LLC
(3) DELMA ENGINEERING PROJECTS COMPANY LLC
(4) DELMA EMIRATES DIESEL
(5) DELMA EMIRATES GENERAL TRANSPORT
(6) AHMED KHALIL KHALED ALMERAIKHI
(7) SHERIFA AHMED KHALIL KHALED ALMERAIKHI
(8) MARIAM AHMED KHALED ALMERAIKHI

Defendants/Respondents

ORDER WITH REASONS OF H.E. CHIEF JUSTICE WAYNE MARTIN

UPON the Order with Reasons of H.E. Deputy Chief Justice Ali Al Madhani dated 22 January 2026 (the "22 January Order")

AND UPON the Claimant's Appeal Notice dated 12 February 2026 seeking permission to appeal the 22 January Order (the "PTA Application")

AND UPON the Order with Reasons of H.E. Deputy Chief Justice Ali Al Madhani dated 25 March 2026 (the "25 March Order")

AND UPON the Claimant's Application No. CFI-070-2018/13 dated 9 April 2026 seeking a stay of the 25 March Order pending the determination of the PTA Application (the "Stay Application")

AND UPON the Order with Reasons of H.E. Deputy Chief Justice Ali Al Madhani dated 21 May 2026 dismissing the PTA Application and the Stay Application

AND UPON the Claimant's Appeal Notice dated 11 June 2026 seeking renewed permission to appeal the 22 January Order and an incidental stay of the 25 March Order (the "Renewed Application") and (the "Incidental Stay Application")

AND UPON the Order with Reasons of H.E. Chief Justice Wayne Matin dated 20 July 2026 dismissing the Renewed Application and the Incidental Stay Application and ordering the Claimant to pay the Sixth Defendant's costs of the Renewed Application and the Incidental Stay Application (the "20 July Order")

IT IS HEREBY ORDERED THAT:

1. The quantum of the Sixth Defendant's costs to be paid by the Claimant pursuant to the 20 July Order is assessed in the amount of **USD 12,600** (including VAT).

2. If the costs are not paid in full within twenty-one (21) days of the date of this Order, interest at the rate of 9% per annum will accrue on any amount outstanding with effect from twenty-one (21) days after publication of these Orders.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 29 October 2026
At: 12pm

SCHEDULE OF REASONS

1. By the 20 July Order the Court of Appeal dismissed the Renewed Application by the Claimant, IDBI Bank Limited (the "Bank") for renewed permission to appeal from the decision of the Judge at First Instance (the "Judge") in which he upheld an application by the Sixth Defendant, Ahmed Khalil Khaled Almeraikhi (deceased) ("Mr Almeraikhi") for relief from sanctions which were imposed on him in the in form of an Order that his defence be struck out and judgment be entered on the Bank's claim against him.

2. The Court of Appeal ordered the Bank to pay Mr Almeraikhi's costs of the Renewed Application and the Incidental Stay Application which was made in conjunction with the Renewed Application to be assessed on the standard basis by a process of immediate assessment in accordance with directions for the provision of a Statement of Costs and the exchange of submissions in relation to the quantum of costs claimed.

3. Pursuant to those directions Mr Almeraikhi has filed a Statement of Costs setting out the hourly rates claimed in respect of each of four practitioners who worked on the matter and the hours claimed in respect of each such practitioner, together with VAT. The amount claimed, including VAT, totals USD 25,528.11. On behalf of Mr Almeraikhi it is submitted that the costs were reasonably incurred reviewing the grounds of appeal and the Bank's submission and supporting witness statement and in drafting and filing the skeleton argument in opposition to the Renewed Application and the Incidental Stay Application.

4. The Bank submits that the costs claimed are excessive for the preparation of a skeleton which largely copied submissions made in opposition to the PTA Application, observing that the costs claimed in respect of the Renewed Application were only approximately USD 3,000 less than the amount claimed in respect of the PTA Application. The Bank contends that the skeleton filed in opposition to the Renewed Application comprised eight pages in opposition to the Renewed Application and five pages in opposition to the Incidental Stay Application - a total of 13 pages.

5. The Bank further submits that it was unreasonable to engage four practitioners, including two practitioners at the level of partner to prepare the skeleton argument, and that the hours claimed for the preparation of the written argument are excessive.

6. On behalf of Mr Almeraikhi it is submitted in reply that the assertion that the written argument "largely copied" the submissions made in opposition to the PTA Application is advanced without particulars, and that a page count is not a measure of reasonable cost. It is further submitted that it was reasonable to engage two senior practitioners and two junior practitioners on the task, and that the hours claimed in respect of each are reasonable.

Analysis and Conclusion

7. The grounds of appeal advanced in support of the Renewed Application for renewed permission to appeal are identical to those advanced in support of the PTA Application. The skeleton argument provided in opposition to the PTA Application comprised 33 pages of text. The skeleton argument provided in opposition to the Renewed Application totalled 13 pages of text which was said to repeat and incorporate the written argument served in opposition to the PTA Application.

8. It is apparent from a comparison of the two written arguments that the written argument served in opposition to the Renewed Application contains original drafting, although, as might be expected given that the grounds of appeal are identical, many of the propositions advanced in the second written argument replicate propositions advanced in the first written argument expressed in different words.

9. There is no objection to the hourly rates claimed in respect of each of the four practitioners engaged in the preparation of the argument and all rates are within the ranges specified in Registrar's Direction No. 1 of 2023. However, the engagement of four practitioners, including two senior practitioners at partner level seems excessive for the production of written argument in response to grounds of appeal which are identical to those in respect of which written argument in opposition had already been provided.

10. Further, the hours claimed total a few minutes under 49 hours, including almost 20 hours of time spent by practitioners at partner level. That amount is excessive and may well be the product of duplication and inefficiency generated by the engagement of four practitioners in the production of a single document.

11. The Court has experience in the assessment of costs reasonably claimed for the preparation of a responsive written argument in cases in which there is a renewed application for permission to appeal on grounds identical to an unsuccessful initial application for permission. The range of costs reasonably claimed in such cases is approximately half the amount claimed in this case. That difference cannot be explained by unusual complexity.

12. For these reasons the Court concludes that the costs claimed on behalf of Mr Almeraikhi are excessive. The claim will be allowed in the amount of **USD 12,000** plus VAT at the rate of 5% - a total of **USD 12,600**.